

United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SYDRIAN LOFTON,)	Case No.: 11-CV-02348-LHK
)	
Plaintiff,)	
)	
v.)	ORDER VACATING ORDER TO SHOW
)	CAUSE HEARING
DOLLAR TREE INC., MARDESICH)	
COMPANY SOUTHGATE, LLC, a California)	
Limited Liability Company,)	
)	
Defendants.)	

The Complaint in this case was filed on May 12, 2011. Because the Complaint asserts violations of the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12101 et seq., General Order 56 applies. Under General Order 56, the Court set a schedule with deadlines for certain events. *See* ECF No. 4. On October 5, 2011, Plaintiff filed a notice of need for mediation between Plaintiff and remaining Defendant Mardesich Company Southgate, LLC. ECF No. 13. The case was automatically referred to court-sponsored mediation on October 7, 2011. *See* ECF Nos. 13-14; General Order 56 (“The matter will then be automatically referred to mediation and the ADR Program will schedule a mediation as soon as possible.”). On November 1, 2011, a mediator was appointed. ECF No. 14. Because the Court had not heard from either party regarding the status of mediation, despite the presumptive 90 day deadline pursuant to Local ADR Rule 6-4(b), the Court

1 issued an Order to Show Cause Why the Case Should Not Be Dismissed For Failure to Prosecute
2 on March 12, 2012. *See* ECF No. 16.

3 The attorneys in this case filed responses to the Order to Show Cause indicating that they
4 had diligently been pursuing mediation, but that the existence of a potentially related case had
5 complicated the process. *See* ECF Nos. 18-19. In light of these facts the Court VACATES the
6 Order to Show Cause Hearing, currently set for April 12, 2012. However, pursuant to General
7 Order 56, upon completion of the mediation, the parties are required to either inform the Court
8 whether mediation was successful or, if not, request a case management conference.

9 **IT IS SO ORDERED.**

10 Dated: March 22, 2012

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12 LUCY H. KOH
13 United States District Judge
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